

Holland Township Planning Board

Minutes of the Regular Meeting

June 9, 2014

The meeting was called to order by Chairman Rader:

“I call to order the June 9, 2014 Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on December 12, 2013 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 12, 2013 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute

Chairman Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Dan Bush, Ken Grisewood (arrived at 7:35 pm), Dave Grossmueller, Michael Keady, Michael Miller, Casey Muench, Dan Rader, Thomas Scheibener, Melissa Tigar, Duane Young, Don Morrow, Esq., Attorney, Bill Burr for Richard Roseberry, P.E., Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Carl Molter and Elizabeth McKenzie, Planner.

Let the record show there is a quorum.

Minutes

A motion was made by Dave Grossmueller and seconded by Mike Keady to dispense with the reading of the minutes of the May 12, 2014 meeting and to approve the minutes as recorded. All present were in favor of the motion. Motion carried.

Old Business:

There was no Old Business to discuss.

New Business:

There was no New Business to discuss.

Completeness Review:

- Block 2 Lot 9 – PS&S (Elizabeth Gas Gilbert II Pig Launcher)-Bellis Road & Cyphers – Minor Site Plan – Received into our office May 19, 2014 – 45-day completeness deadline is July 3, 2014. Board Action needed.
 - Attorney Ferrente was present. The PIG Launcher was explained as a PIG receiver device being used to test the pipes. This is a Federal Government Requirement. This is a way to improve safety associated with the pipeline itself. Engineer Edward Sawicki was sworn in by Lucille Grozinski. Ed Sawicki is with PS&S and has 40 years experience with Natural Gas. He has also been consulting for 15 years and is a registered P.E. Ed Sawick explained that with the new federal codes that the transmission pipeline has to be inspected every 7 (seven) years. The current pipeline in Holland needs to be retro fitted for the launcher. In Holland the PIG receiver is enabled to be caught and removed after being inserted in New Village. There is a structure in Holland (a section of pipe) that has valves and allows the device to be isolated and removed without pressure. 30’ of pipe will be visible and will be fenced in (all to be shown at the hearing).
 - The completeness report as prepared by Maser Consulting dated June 5th was discussed. Some of the items have been submitted for review. F26 – Highlands exemption determination has been requested and the board can deem this complete for completeness with the understanding it would be a condition of the resolution if not satisfied by the public hearing. The boundary for parking needs to be discussed. Its supposedly unmanned and visited once every 7 (seven) years. Items F37, F39 and F26 are ok to waive. F17 can be a partial waiver. F26 has been addressed. Board questions included: location of the PIG launcher, discussion of the spot down by the Papermill as being a valve facility which has the Senior Engineer of Elizabethtown Gas being sworn in by Lucille Grozinski. Rich Manca, the engineer explained the location of the PIG launcher. No additional questions were expressed. A motion was made by Dan Bush and seconded by Tom Scheibener to grant a temporary waiver for checklist items F17 and F26, grant waivers for checklist items F37, F39 and F49 and to deem this application complete. At a roll call vote, all present voted in favor of the motion. Motion carried.
- Block 24 Lot 3 & 13 – Huntington Knolls LLC – Amended Preliminary Major Site Plan – Received into our office May 19, 2014 – 45 day completeness deadline is July 3, 2014. Board Action needed. Ken Grisewood and Mike Keady recused themselves and left the room. Attorney Caldwell was present. Secretary Kozak was asked if the escrow was current and stated that no additional escrow check had been received. A motion was made by Tom Scheibener and seconded by Dan Bush to deem the application incomplete. At a roll call vote, all present were in favor of the motion. Motion carried. The application was deemed incomplete. Attorney Caldwell stated that he has a problem with our process and would see us in court.
- Ken Grisewood and Mike Keady were asked to return to the meeting.

Resolution

- Block 6 Lots 41 & 42 – Estate of Anthony Silva (deceased, by Lucille Maehr & Marie Fasciano, Co-Administratrices) – 273 Ellis Road – Minor Subdivision/Lot Lines Adjustments – Received into our office March 6, 2014 – 45-day completeness deadline is April 20, 2014. Board Action needed. Deemed Complete 041414.

Approved with Conditions. Everyone received a working copy of the proposed resolution. There is one correction in the discussion of the variance it needs to have a width correction soas to allow the lot to be an undersized lot relative to land use..... Otherwise the resolution is the same as submitted. Mike Keady just asked that the resolution say conservation zone in #8 and not just conservation. Dan Bush made the motion to memorialize the proposed resolution with the two minor corrections and Tom Scheibener seconded the motion. At a roll call vote, all present were in favor with the exception of Dave Grossmueller who abstained. Motion carried. The resolution is as follows:

***RESOLUTION APPROVING MINOR SUBDIVISION
AND VARIANCES FOR THE
THE ESTATE OF ANTHONY SILVA***

Block 6, Lots 41 & 42

WHEREAS, the Applicant, Estate of Anthony Silva, has made application to the Planning Board of the Township of Holland for a minor subdivision and certain variances as follows:

PROPOSED DEVELOPMENT

A.) Lot 41 to consist of 35.780 acres

B.) Lot 42 to consist of 12.798 acres

VARIANCES to allow the existing lot frontage and width 84.84' to be divided equally resulting in each lot owning 42.42' of the lot frontage and width and to allow the lot area of Lot 42 to be undersized relative to the Highlands Land Use Ordinance requirements.

WHEREAS, the matter was considered by the Planning Board of the Township of Holland at a public hearing held on May 12, 2014; and

WHEREAS, the Board determined that the Applicant has complied with all of the procedure requirement, rules and regulations of the Township of Holland; and

WHEREAS, the Planning Board of the Township of Holland after carefully considering the evidence presented by the Applicant consisting of the exhibits and recorded testimony have made findings of the fact as follows:

- 1.) The certified list of Property Owners, Affidavit of Service and Proof of Publication were presented in evidence satisfying jurisdictional requirements.
- 2.) The owner of the property is the Estate of Anthony Silva.
- 3.) The property is located in the R-5 Zone.
- 4.) BL6, Lot 42 presently consists of 36.379 acres.
- 5.) BL 6, Lot 41 presently consists of 12.241 acres.
- 6.) The applicant is proposing to take a parcel of 23.539 acres of land currently part of Lot 42 and merge it with Lot 41 containing 12.241 acres, thereby creating a Lot containing 35.780 acres, which lot is intended to be conveyed to the Hunterdon Land Trust Alliance for eventual transfer to the County of Hunterdon to be used as open space.
- 7.) The applicant proposes to reduce the area of Lot 42 creating a new Lot 42 consisting of 12.798 acres containing an existing single family residential dwelling.
- 8.) Variances will be required from the ordinance section 100-46 for the following:
 - a.) To permit Lot 42 to consist of 12.798 acres which is less than required in the Highlands Planning Area (Conservation Zone).
 - b.) To permit a lot frontage and lot width for Lot 41 of 42.42' and a lot width and lot frontage for Lot 42 of 42.42', which lot width and lot frontage do not comply with the Township Land Use Ordinance.
- 9.) The property is located within the Highlands Planning Area (Conservation Zone).
- 10.) The existing driveway currently shared by Lots 41 and Lot 42 is sufficient for access by emergency vehicles, although it is understood that the County may construct a new driveway serving only Lot 42 at some point in the future, reserving the use of the existing driveway for public purposes and that both driveways would share a single apron at Ellis Road.
- 11.) The requested variances will promote the intent and purpose of the zone plan and Township Land Use ordinances by promoting conservation and open space.
- 12.) The requested variances can be granted without substantial detriment to the public good, and without impairing the intended purpose of the Zoning Ordinance, since no new homes are proposed to be constructed as a result

of the subdivision.

13.) The real estate taxes on the property to date are paid to date.

14.) The proposed subdivision meets all other requirements of the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that in consideration of its findings of fact as herein above set forth the Planning Board of the Township of Holland does on this 9th day of June, 2014 grant to applicant the following:

- 1.) Variances from the Land Use Ordinance Section 100-46 for the lot area of Lot 42 and for the lot frontages and lot widths of Lot 41 and Lot 42.
- 2.) The minor subdivision of Block 6, Lot 42 creating Lot 41 consisting of 35.780 acres and Lot 42 consisting of 12.798 acres containing the single family residential dwelling.

BE IT FURTHER RESOLVED that the aforementioned approvals are conditioned upon the following:

- 1.) Receipt of Hunterdon County Planning Board Approval
- 2.) Receipt of any and all approvals or exemptions required from the Highlands Council, including any future approvals required for the driveway on Lot 42 and for driveways, parking and other improvements on Lot 41.
- 3.) Conveyance of Lot 41 to the Hunterdon Land Trust Alliance.
- 4.) Signage for the public open space will be limited to a standard triangular park sign (wood with gold lettering) to be erected at the entrance on Ellis Road.
- 5.) Submittal of Deeds for review and approval by the Township Engineer and Planning Board Attorney, which deeds shall include cross-easements on the driveway apron.
- 6.) Receipt of a driveway permit from Holland Township for the construction of an additional driveway.
- 7.) Receipt of SCS approval for any land disturbance in excess of 5,000 square feet.
- 8.) Compliance with all representations made by Applicant in the recorded testimony.
- 9.) The escrow account shall be in good standing as determined by the Chief Financial Officer.
- 10.) All conditions of this approval must be satisfied within 180 days from the date of the adoption of this Resolution. If the conditions are not satisfied within said period of time and no extensions have been obtained, the within approval shall become null and void.

ROLL CALL VOTE:
Aye-Scheibener, Keady, Miller, Young,
Rader, Tigar, Bush, Grisewood,
Muench.
Abstain-Grossmueller
Absent-Molter

I hereby certify the foregoing to be a true copy of a
Resolution adopted by the Planning Board of the
Township of Holland at its meeting held on

Maria Elena Kozak, Planning Board Secretary

Public Hearings

There were no Public Hearings scheduled.

Sub-Committee Status and Updates:

Holland Township Waste Water Management Plan Second Draft2 (10-07-13) – Highlands Council - -Engineer Burr stated that a concern has been expressed in the limitation of the TWA for the Huntington Knolls LLC project. A limited sewer capacity discussion took place and how the Huntington Knolls LLC project has been approved for Phase I and the retail part of the project relating to the TWA. Attorney Morrow stepped in and halted further discussion. Mike Miller wanted to not be technical and discuss some past endorsements of Planner McKenzie and of everyone working together. Positive planning will also help us fulfill our COAH obligations. Deputy Mayor Bush stated that the Township Committee is aware of the concerns and opinions expressed and is prepared to handle the situation and advise the Planning Board of what is going on. The report presented basically has our hands tied. Holland Township may offer some alterations but basically what has been submitted is the document that will ultimately see a public hearing from the DEP. .

Public Comment

There were no comments from members of the public.

Executive Session

During the Regular Meeting of June 9, 2014 at 7:55 pm at the request of Attorney Don Morrow, a motion was made by Mike Miller and seconded by Duane Young to enter into executive session to discuss litigation with no action being anticipated and that the meeting will reopen after executive session and the planning board will then adjourn. All present were in favor.

Please be advised that board member Ken Grisewood and Mike Keady are recused and left the meeting room with all members of the public.

Court Reporter Grozinski also finished for the evening.

A motion was made by Dan Bush and seconded by Dave Grossmueller to reopen the regular scheduled planning board meeting. All present were in favor. Motion carried.

The regular meeting resumed at 8:09 pm.

A motion was made by Tom Scheibener and seconded by Mike Miller to grant permission for board professionals to work together in the matters of litigation. All present were in favor. Motion carried.

Adjournment

Tom Scheibener made a motion to adjourn. Motion approved. The meeting ended at 8:10 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Secretary